

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

In re TREMONT SECURITIES LAW, STATE
LAW AND INSURANCE LITIGATION

Master Docket 08 Civ. 11117 (TPG)

This Document Relates to :

INSURANCE ACTION, 09 Civ. 557 (TPG),
And specifically to:

CUMMINS INC., as the authorized
representative of the Cummins Inc. Grantor
Trust dated September 10, 2007, as amended,

10 Civ. 9252 (TPG)

Plaintiff,

v.

NEW YORK LIFE INSURANCE COMPANY,
et al.,

Defendants.

**THE FUNDS' JOINDER IN THE TREMONT
DEFENDANTS' OPPOSITION TO PLAINTIFF'S MOTION
FOR LEAVE TO FILE A SECOND AMENDED COMPLAINT**

Defendants Tremont Opportunity Fund III, L.P., Rye Select Broad Market Prime Fund, L.P., and Rye Select Broad Market XL Fund L.P. (collectively, the "Funds"), by their attorneys, Tannenbaum Helpen Syracuse & Hirschtritt LLP, respectfully join in the arguments set forth in The Tremont Defendants' Memorandum of Law In Opposition To Plaintiff's Motion For Leave To File A Second Amended Complaint (the "Tremont Opposition Brief"), which was filed on May 11, 2012 (Dkt. no. 766).

In the interests of judicial economy, the Funds hereby adopt and incorporate the legal arguments and authorities set forth in the Tremont Opposition Brief, and respectfully request that this Court issue an order denying Cummins' Motion for leave to file a second amended complaint.

Dated: New York, New York
May 11, 2012

TANNENBAUM HELPERN
SYRACUSE & HIRSCHTRITT LLP

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